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REMARKS

Claims 1-23 are currently pending in the subject application and are presently under consideration. Claims 1-6, 8-10, 12-18, 20, 21 and 23 have been amended and claims 7, 11, 19 and 22 have been canceled herein. A complete listing of the claims is found at pages 2-5 showing the changes made.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-23 Under 35 U.S.C. §102(e)

Claims 1-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Brobst *et al.* (US 6,622,083). Withdrawal of this rejection is respectfully requested for at least the following reasons. Brobst *et al.* fails to disclose, teach or suggest each and every feature of the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim.* *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim.* *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Independent claims 1, 15 and 21

The claimed invention relates to a system for scanning a target. In particular, independent claims 1, 15 and 21 recite similar limitations, namely *a beam expander with a generally cylindrical reflective outer surface.* On page 4 of the Examiner's Answer (dated June 12, 2003), the Examiner incorrectly contends that Brobst *et al.* shows a beam expander having a cylindrical reflective surface. To the contrary, at the portion of the reference indicated by the Examiner, Brobst *et al.* shows a polygonal scan mirror that consists of alternating concave, flat, elliptical or spherical configurations. *See* col. 3, lines 52-64. Nowhere does the cited reference show that the

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scan mirror has a facet with a cylindrical configuration. Consequently, Brobst *et al.* is silent with respect to *a beam expander with a generally cylindrical reflective outer surface*, as claimed.

Independent claim 23

Independent claim 23 recites *expander means for reflecting a second portion of a light beam from the reflector means onto the target, the expander means comprising a polished round pillar having a cylindrical reflective outer surface*. Brobst *et al.* fails to disclose such novel features of the subject claims.

On page 3 of the Examiner's Answer, it is erroneously asserted that Brobst *et al.* shows an oscillating mirror that serves as a beam expander wherein the reflector reflects a light beam from the light source onto the beam expander. The reference directs light through a reflector onto one of the facets on the scan mirror, which then directs light onto the target. However, nowhere does Brobst *et al.* show that the light beam is reflected off of a reflective round pillar onto a target. Therefore, the reference fails to disclose or suggest *expander means comprising a polished round pillar having a cylindrical reflective outer surface* as recited in claim 23.

In view of at least the foregoing, it is readily apparent that Brobst *et al.* fails to teach the identical invention in as much detail as is contained in applicant's claims. Accordingly, withdrawal of the rejection is respectfully requested.

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CONCLUSION

The present application is believed to be condition for allowance in view of the amendments and comments herein. A prompt action to such end is earnestly solicited.

In the event any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP202USA].

The Examiner is invited to contact applicant's undersigned representative over the telephone to expedite favorable prosecution of the subject application.

Respectfully submitted,
AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24th Floor, National City Center
1900 East 9th Street
Cleveland, Ohio 44114
(216) 696-8730 (Telephone)
(216) 696-8731 (Facsimile)